

FILED
9/4/2019 11:54 AM
Mary Angie Garcia
Bexar County District Clerk
Accepted By: Alexandra Johnson

Case Number: 2019-CI-14361

PRIVATE PROCESS



2019CI14361 500002

GASPAR D GUZMAN ET AL

VS.

CITY OF SAN ANTONIO ET AL

(Note: Attached Document May Contain Additional Litigants.)

IN THE DISTRICT COURT
224th JUDICIAL DISTRICT
BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: OFFICER J DIEHL #0157

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and ORIGINAL PETITION REQUESTS FOR DISCLOSURE AND REQUESTS FOR PRODUCTION, a default judgment may be taken against you." Said ORIGINAL PETITION REQUESTS FOR DISCLOSURE AND REQUESTS FOR PRODUCTION was filed on the 19th day of July, 2019.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 5TH DAY OF AUGUST A.D., 2019.

RICHARD S HOFFMAN
ATTORNEY FOR PLAINTIFF
611 S CONGRESS AVE 210
AUSTIN, TX 78704-8706



Mary Angie Garcia
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205

By: *Laura Castillo*, Deputy

GASPAR D GUZMAN ET AL
VS
CITY OF SAN ANTONIO ET AL

Officer's Return

Case Number: 2019-CI-14361
Court: 224th Judicial District Court

I received this CITATION on _____ at _____ o'clock ____M. and () executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION REQUESTS FOR DISCLOSURE AND REQUESTS FOR PRODUCTION the date of delivery endorsed on it to the defendant, _____ in person on the _____ at _____ o'clock ____M. at: _____ or () not executed because _____.

Fees: _____ Badge/PPS #: _____ Date certification expires: _____

AFFIDAVIT County, Texas

By: _____

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS

ATTACHED

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, 20____.

Declarant

RETURN TO COURT (DK002)

EXHIBIT "A"

CAUSE NO. 2019CI14361

GASPAR DAVID GUZMAN, MARIA ISABEL GUZMAN,
VANESSA GARCIA, NEXT FRIEND OF GASPAR DAVID
GUZMAN, JR. AND ASHLYN GIZELLE GUZMAN,
MINORS

Plaintiff,

VS.

CITY OF SAN ANTONIO, OFFICER J. DIEHL, OFFICER A.
ORTIZ AND OFFICER A. ESPINOZA

Defendant.

§

§

§

§

§

§

§

IN THE DISTRICT COURT OF

BEXAR COUNTY, TEXAS

225TH JUDICIAL DISTRICT

AFFIDAVIT OF SERVICE

On this day personally appeared **Dan Brouillette** who, being by me duly sworn, deposed and said:

"The following came to hand on Aug 15, 2019, 4:00 pm,


CITATION; PLAINTIFF'S ORIGINAL PETITION; REQUESTS FOR DISCLOSURE AND REQUESTS FOR PRODUCTION,

and was executed at 7000 CULEBRA RD, SAN ANTONIO, TX 78238 within the county of BEXAR at 5:12 PM on Thu, Aug 22, 2019, by delivering a true copy to the within named

OFFICER J. DIEHL #0157

in person, having first endorsed the date of delivery on same.

I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Texas. I am familiar with the Texas Rules of Civil Procedure as they apply to service of Process. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I have never been convicted of a felony or of a misdemeanor involving moral turpitude. I have personal knowledge of the facts stated herein and they are true and correct."



Dan Brouillette
Certification #: PSC #1482
Expiration: 8/31/2020

BEFORE ME, a Notary Public, on this day personally appeared **Dan Brouillette**, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are within his or her personal knowledge and are true and correct.

SUBSCRIBED AND SWORN TO ME ON 8/23/2019

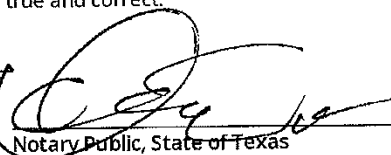
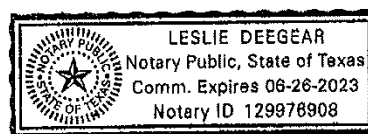

Notary Public, State of Texas

EXHIBIT "A"

PRIVATE PROCESS

Case Number: 2019-CI-14361



2019CI14361 S00002

GASPAR D GUZMAN ET AL

VS.

CITY OF SAN ANTONIO ET AL

(Note: Attached Document May Contain Additional Litigants.)

IN THE DISTRICT COURT
224th JUDICIAL DISTRICT
BEXAR COUNTY, TEXAS

CITATION

ENT

"THE STATE OF TEXAS"

Directed To: OFFICER J DIEHL #0157

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and ORIGINAL PETITION REQUESTS FOR DISCLOSURE AND REQUESTS FOR PRODUCTION, a default judgment may be taken against you." Said ORIGINAL PETITION REQUESTS FOR DISCLOSURE AND REQUESTS FOR PRODUCTION was filed on the 19th day of July, 2019.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 5TH DAY OF AUGUST A.D., 2019.

RICHARD S HOFFMAN
ATTORNEY FOR PLAINTIFF
611 S CONGRESS AVE 210
AUSTIN, TX 78704-8706



Mary Angie Garcia
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205

By: Laura Castillo, Deputy

Kerry Feld 8/5/19

GASPAR D GUZMAN ET AL
VS
CITY OF SAN ANTONIO ET AL

Officer's Return

Case Number: 2019-CI-14361
Court: 224th Judicial District Court

I received this CITATION on _____ at _____ o'clock ____ M. and () executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION REQUESTS FOR DISCLOSURE AND REQUESTS FOR PRODUCTION the date of delivery endorsed on it to the defendant, _____ in person on the _____ at _____ o'clock ____ M. at: _____ or () not executed because _____

Fees: _____ Badge/PPS #: _____ Date certification expires: _____

_____, County, Texas
By: _____

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS _____

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____, _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, 20____.

Declarant _____

FILE COPY (DK002)

DOCUMENT SCANNED AS FILED

EXHIBIT "A"

FILED
9/4/2019 11:54 AM
Mary Angie Garcia
Bexar County District Clerk
Accepted By: Alexandra Johnson

Case Number: 2019-CI-14361

PRIVATE PROCESS



2019CI14361 S00003

GASPAR D GUZMAN ET AL

vs.

CITY OF SAN ANTONIO ET AL

(Note: Attached Document May Contain Additional Litigants.)

IN THE DISTRICT COURT
224th JUDICIAL DISTRICT
BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: OFFICER A ORTIZ #0871

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and ORIGINAL PETITION REQUESTS FOR DISCLOSURE AND REQUESTS FOR PRODUCTION, a default judgment may be taken against you." Said ORIGINAL PETITION REQUESTS FOR DISCLOSURE AND REQUESTS FOR PRODUCTION was filed on the 19th day of July, 2019.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 5TH DAY OF AUGUST A.D., 2019.

RICHARD S HOFFMAN
ATTORNEY FOR PLAINTIFF
611 S CONGRESS AVE 210
AUSTIN, TX 78704-8706



Mary Angie Garcia
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205

By: *Laura Castillo*, Deputy

GASPAR D GUZMAN ET AL
VS
CITY OF SAN ANTONIO ET AL

Officer's Return

Case Number: 2019-CI-14361
Court: 224th Judicial District Court

I received this CITATION on _____ at _____ o'clock _____ M. and () executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION REQUESTS FOR DISCLOSURE AND REQUESTS FOR PRODUCTION the date of delivery endorsed on it to the defendant, _____ in person on the _____ at _____ o'clock _____ M. at: _____ or () not executed because _____

Fees: _____ Badge/PPS #: _____ Date certification expires: _____

AFFIDAVIT

County, Texas

By: _____

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS

ATTACHED

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, 20____.

Declarant

RETURN TO COURT (DK002)

EXHIBIT "A"

CAUSE NO. 2019CI14361

GASPAR DAVID GUZMAN, MARIA ISABEL GUZMAN,
VANESSA GARCIA, NEXT FRIEND OF GASPAR DAVID
GUZMAN, JR. AND ASHLYN GIZELLE GUZMAN,
MINORS

Plaintiff,

VS.

CITY OF SAN ANTONIO, OFFICER J. DIEHL, OFFICER A.
ORTIZ AND OFFICER A. ESPINOZA

Defendant.

§
§
§
§
§
§

IN THE DISTRICT COURT OF

BEXAR COUNTY, TEXAS

225TH JUDICIAL DISTRICT

AFFIDAVIT OF SERVICE

On this day personally appeared Dan Brouillette who, being by me duly sworn, deposed and said:

"The following came to hand on Aug 15, 2019, 4:00 pm,


CITATION; PLAINTIFF'S ORIGINAL PETITION, REQUESTS FOR DISCLOSURE AND REQUESTS FOR PRODUCTION

and was executed at 5020 PRUE RD, SAN ANTONIO, TX 78240 within the county of BEXAR at 4:50 PM on Fri, Aug 23 2019, by delivering a true copy to the within named

OFFICER A ORTIZ #0871

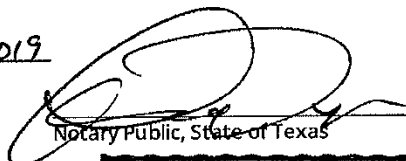
in person, having first endorsed the date of delivery on same.

I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Texas. I am familiar with the Texas Rules of Civil Procedure as they apply to service of Process. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I have never been convicted of a felony or of a misdemeanor involving moral turpitude. I have personal knowledge of the facts stated herein and they are true and correct."


Dan Brouillette
Certification #: PSC-1482
Expiration: 8/31/2020

BEFORE ME, a Notary Public, on this day personally appeared Dan Brouillette, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are within his or her personal knowledge and are true and correct.

SUBSCRIBED AND SWORN TO ME ON 8/26/2019


Notary Public, State of Texas

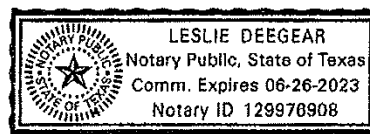


EXHIBIT "A"

PRIVATE PROCESS

Case Number: 2019-CI-14361



2019CI14361 500003

GASPAR D GUZMAN ET AL

VS.

CITY OF SAN ANTONIO ET AL

(Note: Attached Document May Contain Additional Litigants.)

IN THE DISTRICT COURT
224th JUDICIAL DISTRICT
BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: OFFICER A ORTIZ #0871

ENT

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and ORIGINAL PETITION REQUESTS FOR DISCLOSURE AND REQUESTS FOR PRODUCTION, a default judgment may be taken against you." Said ORIGINAL PETITION REQUESTS FOR DISCLOSURE AND REQUESTS FOR PRODUCTION was filed on the 19th day of July, 2019.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 5TH DAY OF AUGUST A.D., 2019.

RICHARD S HOFFMAN
ATTORNEY FOR PLAINTIFF
611 S CONGRESS AVE 210
AUSTIN, TX 78704-8706



Mary Angie Garcia
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205

By: *Laura Castillo*, Deputy

Keely Arnold 8/15/19
GASPAR D GUZMAN ET AL
VS
CITY OF SAN ANTONIO ET AL

Officer's Return

Case Number: 2019-CI-14361
Court: 224th Judicial District Court

I received this CITATION on _____ at _____ o'clock ____ M. and () executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION REQUESTS FOR DISCLOSURE AND REQUESTS FOR PRODUCTION the date of delivery endorsed on it to the defendant, _____, in person on the _____ at _____ o'clock ____ M. at: _____ or () not executed because _____

Fees: _____ Badge/PPS #: _____ Date certification expires: _____

_____, County, Texas

By: _____

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS _____

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____, _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, 20____.

Declarant

FILE COPY (0K002)

DOCUMENT SCANNED AS FILED

EXHIBIT "A"

FILED
9/3/2019 9:44 AM
Mary Angie Garcia
Bexar County District Clerk
Accepted By: Patricia Baskette

Case Number: 2019-CI-14361

PRIVATE PROCESS
RETURN



2019CI14361 500004

GASPAR D GUZMAN ET AL

VS.

CITY OF SAN ANTONIO ET AL

(Note: Attached Document May Contain Additional Litigants.)

IN THE DISTRICT COURT
224th JUDICIAL DISTRICT
BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: OFFICER A ESPINOZA #1172

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and ORIGINAL PETITION REQUESTS FOR DISCLOSURE AND REQUESTS FOR PRODUCTION, a default judgment may be taken against you." Said ORIGINAL PETITION REQUESTS FOR DISCLOSURE AND REQUESTS FOR PRODUCTION was filed on the 19th day of July, 2019.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 5TH DAY OF AUGUST A.D., 2019.

RICHARD S HOFFMAN
ATTORNEY FOR PLAINTIFF
611 S CONGRESS AVE 210
AUSTIN, TX 78704-8706



Mary Angie Garcia
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205

By: *Laura Castillo*, Deputy

GASPAR D GUZMAN ET AL
VS
CITY OF SAN ANTONIO ET AL

Officer's Return

Case Number: 2019-CI-14361
Court: 224th Judicial District Court

I received this CITATION on _____ at _____ o'clock ____M. and () executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION REQUESTS FOR DISCLOSURE AND REQUESTS FOR PRODUCTION the date of delivery endorsed on it to the defendant, _____ in person on the _____ at _____ o'clock ____M. at: _____ or () not executed because _____

Fees: _____ Badge/PPS #: _____ Date certification expires: _____

_____, County, Texas

By: _____

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS _____

**AFFIDAVIT OF
SERVICE ATTACHED**

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____, _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, 20____.

Declarant _____

RETURN TO COURT (DK002)

EXHIBIT "A"

CAUSE NO. 2019CI14361

GASPAR DAVID GUZMAN, MARIA ISABEL GUZMAN,	§	IN THE COURT OF
VANESSA GARCIA, NEXT FRIEND OF GASPAR DAVID	§	
GUZMAN, JR. AND ASHLYN GIZELLE GUZMAN,		
MINORS		
Plaintiff,	§	
VS.	§	BEXAR COUNTY, TEXAS
	§	
CITY OF SAN ANTONIO, OFFICER J. DIEHL, OFFICER A.	§	
ORTIZ AND OFFICER A. ESPINOZA		
Defendant,	§	225TH JUDICIAL DISTRICT

AFFIDAVIT OF SERVICE

On this day personally appeared Christine S. Foster who, being by me duly sworn, deposed and said:

"The following came to hand on Aug 15, 2019, 4:00 pm,

CITATION; PLAINTIFF'S ORIGINAL PETITION, REQUESTS FOR DISCLOSURE AND REQUESTS FOR PRODUCTION,

and was executed at 711 W MAYFIELD BLVD, SAN ANTONIO, TX 78211 within the county of BEXAR at 01:41 PM on Fri, Aug 23 2019, by delivering a true copy to the within named

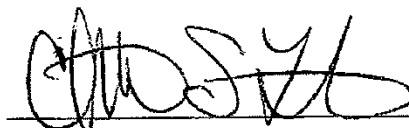
OFFICER A ESPINOZA #1172

in person, having first endorsed the date of delivery on same.

I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Texas. I am familiar with the Texas Rules of Civil Procedure as they apply to service of Process. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I have never been convicted of a felony or of a misdemeanor involving moral turpitude. I have personal knowledge of the facts stated herein and they are true and correct."

My name is Christine S. Foster, my date of birth is 9/21/1966, and my address is 2939 Mossrock Ste 280, San Antonio, TX 78230, in the United States of America. I declare under penalty of perjury that the foregoing is true and correct.

Executed in BEXAR County, State of TX, on August 23, 2019.



Christine S. Foster
Certification Number: PSC-14406
Certification Expiration: 4/30/2020

EXHIBIT "A"

PRIVATE PROCESS

Case Number: 2019-CI-14361



GASPAR D GUZMAN ET AL

VS.

CITY OF SAN ANTONIO ET AL

(Note: Attached Document May Contain Additional Litigants.)

IN THE DISTRICT COURT
224th JUDICIAL DISTRICT
BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: OFFICER A ESPINOZA #1172

ENT

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and ORIGINAL PETITION REQUESTS FOR DISCLOSURE AND REQUESTS FOR PRODUCTION, a default judgment may be taken against you." Said ORIGINAL PETITION REQUESTS FOR DISCLOSURE AND REQUESTS FOR PRODUCTION was filed on the 19th day of July, 2019.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 5TH DAY OF AUGUST A.D., 2019.

RICHARD S HOFFMAN
ATTORNEY FOR PLAINTIFF
611 S CONGRESS AVE 210
AUSTIN, TX 78704-8706



Mary Angie Garcia
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205

By: Laura Castillo, Deputy

Kerry, Signed 8/15/19
GASPAR D GUZMAN ET AL
VS
CITY OF SAN ANTONIO ET AL

Officer's Return

Case Number: 2019-CI-14361
Court: 224th Judicial District Court

I received this CITATION on _____ at _____ o'clock ____ M. and () executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION REQUESTS FOR DISCLOSURE AND REQUESTS FOR PRODUCTION the date of delivery endorsed on it to the defendant, _____ in person on the _____ at _____ o'clock ____ M. at: _____ or () not executed because _____.

Fees: _____ Badge/PPS #: _____ Date certification expires: _____

_____, County, Texas
By: _____

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS _____

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, 20____.

Declarant

FILE COPY (DK002)

DOCUMENT SCANNED AS FILED

EXHIBIT "A"

CAUSE NO. 2019CI14361

GASPAR DAVID GUZMAN, MARIA	§	IN THE DISTRICT COURT
ISABEL GUZMAN, VANESSA	§	
GARCIA, NEXT FRIEND OF GASPAR	§	
DAVID GUZMAN JR. AND ASHLYN	§	
GIZELLE GUZMAN, MINORS,	§	224th
<i>Plaintiffs</i>	§	
VS.	§	JUDICIAL DISTRICT
	§	
	§	
CITY OF SAN ANTONIO;	§	
OFFICER J. DIEHL, OFFICER	§	BEXAR COUNTY, TEXAS
A. ORTIZ, and OFFICER A. ESPINOZA	§	
	§	
<i>Defendants</i>	§	

**PLAINTIFF'S ORIGINAL PETITION, REQUESTS FOR DISCLOSURE
AND REQUESTS FOR PRODUCTION**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME PLAINTIFFS, GASPAR DAVID GUZMAN, MARIA ISABEL GUZMAN, VANESSA GARCIA (NEXT FRIEND OF GASPAR DAVID GUZMAN JR. AND ASHLYN GIZELLE GUZMAN, MINORS), and file this Plaintiffs' Original Petition complaining of Defendants **CITY OF SAN ANTONIO, OFFICER J. DIEHL. #0157, OFFICER A. ORTIZ #0871, and OFFICER A. ESPINOZA #1172**, for causes of action. Plaintiff would show as follows:

I.

DISCOVERY CONTROL PLAN LEVEL

1.1 Discovery shall be conducted under Level 3 pursuant to Rule 190.4 of the Texas Rules of Civil Procedure.

EXHIBIT "A"

II.

DISCOVERY INCLUDED

2.1 This Petition includes Plaintiff's Requests for Disclosure and Requests for Production.

III.

NATURE OF THE CASE

3.1 Claims in this case are asserted under the Texas Tort Claims Act. The claims are also brought for violation of the Plaintiff's decedents Fourth and Fourteenth Amendment rights.

IV.

JURISDICTION, VENUE AND PARTIES

4.1 Plaintiffs in this action are GASPAR DAVID GUZMAN, MARIA ISABEL GUZMAN, VANESSA GARCIA, individually and as NEXT FRIEND of GASPAR DAVID GUZMAN JR. and ASHLYN GIZELLE GUZMAN, minors. Plaintiffs Gaspar David Guzman and Maria Isabel Guzman, parents of the deceased reside in Cameron County, Texas. Next Friend Vanessa Garcia is the mother of the minors Gaspar David Guzman Jr. and Ashlyn Gizelle Guzman and all are residents of San Antonio, Bexar County, Texas. For purposes of this action all may be served with process, except citation, summons, subpoena or other compulsory process in care of the undersigned counsel.

- a. Gaspar David Guzman and Ashlyn Gizelle Guzman are the minor children of the decedent Gaspar David Guzman and Vanessa Garcia who were unmarried at the time of decedent's death.
- b. Plaintiff Gaspar David Guzman is the father of the decedent.

EXHIBIT "A"

c. Plaintiff Maria Isabel Guzman is the mother of decedent.

d. Defendant City of San Antonio may be served with process at

Office of the Municipal Court
100 Military Plaza
City Hall, Third Floor
San Antonio, Texas 78205
Telephone 210-207-8940

e. Defendants Officers J. Diehl, A. Ortiz, and A. Espinoza may be served with citation at the San Antonio Police Department Headquarters, 315 South Santa Rosa Avenue, San Antonio, Texas 78207.

f. The subject matter in controversy is within the jurisdictional limits of this court. This court has jurisdiction over the parties because the Defendants are governmental entities and/or residents of Texas.

g. Venue in BEXAR County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all of the events or omissions giving rise to this lawsuit occurred in this county.

h. Prior to the filing of the lawsuit and within 90 days of the date of the occurrence described in this petition, the Plaintiffs, by and through their attorney, gave notice to the City of San Antonio of the claim as required.

i.. Pursuant to Tex. R. Civ. Pro. 47(c), Plaintiffs seek monetary relief in excess of \$200,000.00 but less than \$1,000,000.00 in a reasonable amount to be determined by the trier of fact.

EXHIBIT "A"

V.

FACTUAL BACKGROUND

5.1 This lawsuit concerns the wrongful death of 36 year old Gaspar David Guzman. who was known by his family as "David". On Saturday, May 12, 2018 David arrived at the residence of friends on Rosemont Street in San Antonio, Texas at about noon. The owners of the home were hosting a small gathering of people and preparing a barbecue for the evening. When David arrived, he brought along a 12 pack of beer but it did not appear to others that he had been drinking before his arrival. The hosts did note later, that after drinking, he appeared anxious or paranoid and was acting strange. Later in the evening David's girlfriend stopped by the house for a brief time and then left. Shortly after she left, David started acting more anxious and irritated. The hosts were surprised when San Antonio police officers appeared at around 10:30 p.m., possibly called by David. After a short discussion with him, the police told David that he needed to leave the residence. He insisted to the officers and to a friend on the phone that "they were trying to arrest him" and he needed a lawyer. The police then tried to tell David to get into a vehicle of the host so that she could take him home. David did not agree and apparently acted was verbally reacting loudly. The officers decided to arrest David for criminal trespass. David was then yelling that the police were violating his rights. As he was being arrested, he struggled with the officers. Officer Espinoza then deployed a taser using a "drive-stun technique, tased him into submission, and cuffed him. Per police procedure the EMS was called as a result of the taser use but left quickly after David denied needing medical attention. Officers then placed him into the backseat of the police cruiser, but left the door to the police cruiser open. David soon got out of the car and headed, still agitated, toward the residence. By this time, several other officers had ap-

EXHIBIT "A"

peared, surrounded David and tried to subdue him. In a few seconds, still in handcuffs, he was wrestled and forced facedown onto the ground. One of the officers “pulled a device from his belt and applied it forcefully to David’s body with a “drive-stun technique”. David appeared to be convulsing as a result. A neighbor who was close to the officers and David saw this happening and, seeing a liquid coming from David’s mouth, said “stop it, you’re going to kill him”. The tasing continued and soon David became lifeless. The EMS returned shortly thereafter and worked to revive David but he was pronounced dead at 11:24 p.m. Before this incident, David had been a healthy, gainfully employed, father of two young children.

VI. CAUSES OF ACTION

1. NEGLIGENCE OF THE CITY OF SAN ANTONIO

The handcuffs and taser devices were an instrumentality of the City of San Antonio. At all times herein the Defendant officers were acting as agents, servants and employees of the City of San Antonio. Defendant City of San Antonio is principal, master and employer of Defendant officers and is liable for Defendants’ torts and constitutional violations under respondent superior.

a. The City was negligent in not providing officers sufficient training in the dangers of positional asphyxiation when they tase a citizen and place him in handcuffs behind his back then place him into a prone position with his face into the ground.

b. The City was negligent in not training officers and employees sufficiently in recognizing delirium or other mental disorders and how to respond to those situations without using excessive force.

c. The City failed to train the officers in the use of the taser devices, the situations when its use may be effective and the specific dangers of the use of the “drive-stun” technique.

d. The City failed and continues to fail to properly train its employees and/or modify the policies and procedures of the police department.

d. The Defendant City of San Antonio failed to properly train, supervise, regulate and/or discipline officers who routinely use excessive force (use of the taser) in making arrests, resulting in an official policy that condones the use of excessive force when not warranted.

2. NEGLIGENCE OF THE OFFICERS

a. Each of the officer defendants used excessive physical force without due process on a person who had not committed a crime nor was suspected of committing a crime.

b. Each of the officer defendants was negligent in applying continuous tasing to a person who was already in handcuffs and restrained.

c. Each of the officer defendants was negligent in failing to administer any life saving assistance.

d. Each of the officer defendants failed to follow procedure and was negligent in failing to insure that EMS was present, and stayed, when excessive force such as the drive-stun taser was used.

e. Each of officer defendants was negligent in failing to follow training procedures and policies in that he failed to use the appropriate and non-excessive force in a non-life threatening situation.

- f. The officers were not trained, or were improperly trained to recognize signs of excited delirium and other mental disorders and were unfamiliar in how to respond to them without using deadly force.
- g. The officers were insufficiently trained by the City in the dangers of asphyxiation when using a taser on a person and then placing him face down on the ground and applying pressure or weight on his back.

At all times material herein, each of the Defendants who were connected with the occurrence were acting within the course and scope of their employment or official duties and in furtherance of the duties of their office or employment.

VII.

PLAINTIFFS DAMAGES

1. As a direct and proximate result of the negligence, recklessness and/or wantonness of the defendants, Plaintiff Gaspar David Guzman, Jr and Ashlyn Gizelle Guzman by and through their Next Friend, Vanessa Garcia, suffered and will continue to suffer for the remainder of they natural lives:

- a. The loss of social comfort of their father
- b. loss of the economic support of their father
- c. grief and bereavement

Gaspar David Guzman Jr and Ashlyn Gizelle Guzman, the wards of Next Friend Vanessa Garcia, have been damaged in all these respects far in excess of the jurisdictional limits of the Court.

EXHIBIT "A"

2. As a direct and proximate result of the negligence, recklessness and/or wantonness of the defendants, Plaintiffs Gaspar David Guzman and Maria Isabel Guzman the decedent's parents, suffered and will continue to suffer for the remainder of their lives:

- d. the loss of social comfort of their son
- e. loss of economic support
- f. grief and bereavement
- g. funeral expenses for the decedent

Plaintiffs Gaspar David Guzman and Maria Isabel Guzman have been damaged in all these respects far in excess of the jurisdictional limits of the Court.

VIII.

JURY TRIAL DEMANDED

Plaintiffs hereby demand a jury trial and tender the proper payment.

IX.

REQUEST FOR DISCLOSURES TO DEFENDANT

8.1 Pursuant to Rule 194, you are requested to disclose, within 30 days after service of this request, the information or material described in Rule 194.2 as follows:

- a. the correct names of the parties to the lawsuit
- b. The name, address and telephone number of any potential parties
- c. The legal theories and in general, the factual basis of the responding parties' claims;
- d. The amount and methods of calculating economic damages;

EXHIBIT "A"

e. The name, address and telephone number of persons having knowledge of relevant facts and a brief statement of each identified person's connection with the case.

f. For any testifying expert:

1. The expert's name, address and telephone number

2. The subject matter on which the expert will testify:

The general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by or otherwise subject to the control of the responding party, documents reflecting such information.

3. If the expert is retained or otherwise subject to the control of the responding party;

(a) all documents, tangible things, reports, models of data compilations that have been provided to, reviewed by or prepared for the expert in anticipation of the expert's testimony

(b) any indemnity agreement

(c) Any discoverable witness statements

All of the aforesaid items are to be produced on or before the expiration of thirty (30) days after proper service of this Request for Disclosure at the office of Richard S. Hoffman, Attorney at Law, 611 S. Congress, #210, Austin, Texas 78704.

EXHIBIT "A"

REQUEST FOR PRODUCTION OF DOCUMENTS

Plaintiffs requests that the Defendant City of San Antonio produce for discovery under the provisions of Civil Procedure Rule 196 the items specified in Paragraphs 1 through 5 below, at the time and place and for the purposes set out in those paragraphs.

Pursuant to Rule 196 of the Texas Rules of Civil Procedure, you are directed to answer the following Request for Production fully and in writing, based on all information reasonably available to you or your attorney at the time your response is made. A true copy of the answers and any objections you may have to these Requests for Production must be served on the undersigned attorney within 45 days after the date of service of this Request.

DOCUMENTS and ITEMS REQUESTED

1. Request Number One. All videos from body cameras worn on the day of May 12, 2019 by officers J. Diehl, A. Ortiz, A. Espinoza, R. Harralson.
2. Any and all written or recorded reports and or statements made by any employee or consultant of the City of SanAntonio concerning the incident that is subject of this lawsuit.
3. A copy of any statement made by any person or witness concerning the incident that is subject of this lawsuit.
4. Any video taken from the premises of the home located at 154 Rosemont, San Antonio, Texas on or after May 12, 2019.
5. A true and correct copy of any investigative report made by any employee of the City of San Antonio concerning the incident that is the subject of this lawsuit.
6. A copy of any training manual or directive or amendment to the training or policy manual concerning the use of tasers

EXHIBIT "A"

X.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiffs request that defendants be cited to appear and answer and that on final trial Plaintiffs have:

1. Judgment against defendants and/or each defendant for the damages suffered by each survivor Plaintiff as a result of defendants' conduct in an amount within the jurisdictional limits of the court;
2. costs of the suit
3. Attorney Fees
4. Such other and further relief to which plaintiffs may be justly entitled at law or in equity.

Richard S. Hoffman
Attorney at Law
State bar Number 09787200
611 S. Congress #210
Austin, Texas 78704
Telephone 512-217-7383
Fax: 512-322-9802
E-mail: rhoff88302@aol.com
Attorney for Plaintiffs

FILED
7/24/2019 11:51 AM
Mary Angie Garcia
Bexar County District Clerk
Accepted By: Brenda Carrillo



Cause Number: 2019CI14361

District Court : 224

Mary Angie Garcia
Bexar County District Clerk

4citpps/sac1

Request for Process

Style: Casp[ar David Guzman] Vs. City of San Antonio

Request the following process: (Please check all that Apply)

☒ Citation ☐ Notice ☐ Temporary Restraining Order ☐ Notice of Temporary Protective Order
☐ Temporary Protective Order ☐ Precept with hearing ☐ Precept without a hearing ☐ Writ of Attachment
☐ Writ of Habeas Corpus ☐ Writ of Garnishment ☐ Writ of Sequestration ☐ Capias ☐ Other: _____

1.

Name: City of San Antonio

Registered Agent/By Serving: _____

Address 100 Military Plaza, San Antonio, TX 78205

Service Type: (Check One) ☒ Private Process ☐ Sheriff ☐ Publication (Check One) ☐ Commercial Recorder ☐ Hart Beat ☐ Courthouse Door
☐ Certified Mail ☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Commissioner of Insurance

2.

Name: Officer J. Diehl

Registered Agent/By Serving: _____

Address 315 S Santa Rosa Ave, San Antonio, TX 78207

Service Type: (Check One) ☒ Private Process ☐ Sheriff ☐ Publication (Check One) ☐ Commercial Recorder ☐ Hart Beat ☐ Courthouse Door
☐ Certified Mail ☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Commissioner of Insurance

3.

Name: Officer A. Ortiz

Registered Agent/By Serving: _____

Address 315 S Santa Rosa Ave, San Antonio, TX 78207

Service Type: (Check One) ☒ Private Process ☐ Sheriff ☐ Publication (Check One) ☐ Commercial Recorder ☐ Hart Beat ☐ Courthouse Door
☐ Certified Mail ☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Commissioner of Insurance

4.

Name: Officer A. Espinoza

Registered Agent/By Serving: _____

Address 315 S Santa Rosa Ave, San Antonio, TX 78207

Service Type: (Check One) ☒ Private Process ☐ Sheriff ☐ Publication (Check One) ☐ Commercial Recorder ☐ Hart Beat ☐ Courthouse Door
☐ Certified Mail ☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Commissioner of Insurance

Title of Document/Pleading to be Attached to Process: _____

Name of Attorney/Pro se: Richard Hoffmwnq Bar Number: 09787200

Address: 611 S Congress #210 Phone Number: 512 322 9800

Austin, TX 78704

Attorney for Plaintiff ☒ Defendant _____ Other _____

****IF SERVICE IS NOT PICKED UP WITHIN 14 BUSINESS DAYS, SERVICE WILL BE DESTROYED****

EXHIBIT "A"

FILED
8/22/2019 4:00 PM
Mary Angie Garcia
Bexar County District Clerk
Accepted By: Patricia Baskette

Case Number: 2019-CI-14361

PRIVATE PROCESS



2019CI14361 500001

GASPAR D GUZMAN ET AL

VS.

CITY OF SAN ANTONIO ET AL

(Note: Attached Document May Contain Additional Litigants.)

IN THE DISTRICT COURT
224th JUDICIAL DISTRICT
BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: CITY OF SAN ANTONIO
BY SERVING THE OFFICE OF THE MUNICIPAL COURT

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and ORIGINAL PETITION REQUESTS FOR DISCLOSURE AND REQUEST FOR PRODUCTION, a default judgment may be taken against you." Said ORIGINAL PETITION REQUESTS FOR DISCLOSURE AND REQUEST FOR PRODUCTION was filed on the 19th day of July, 2019.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 5TH DAY OF AUGUST A.D., 2019.

RICHARD S HOFFMAN
ATTORNEY FOR PLAINTIFF
611 S CONGRESS AVE 210
AUSTIN, TX 78704-8706



Mary Angie Garcia
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205

By: *Laura Castillo*, Deputy

GASPAR D GUZMAN ET AL
VS
CITY OF SAN ANTONIO ET AL

Officer's Return

Case Number: 2019-CI-14361
Court: 224th Judicial District Court

I received this CITATION on _____ at _____ o'clock ____ M. and () executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION REQUESTS FOR DISCLOSURE AND REQUEST FOR PRODUCTION the date of delivery endorsed on it to the defendant, _____ in person on the _____ at _____ o'clock ____ M. at _____ or () not executed because _____

Fees: _____ Badge/PPS #: _____ Date certification expires: _____

By: _____

AFFIDAVIT ATTACHED

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS _____

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, 20____.

Declarant

RETURN TO COURT (DK002)

EXHIBIT "A"

CAUSE NO. 2019CI14361

GASPAR DAVID GUZMAN, MARIA ISABEL GUZMAN, VANESSA GARCIA, NEXT FRIEND OF GASPAR DAVID GUZMAN, JR. AND ASHLYN GIZELLE GUZMAN, MINORS	§ § §	IN THE COURT OF
Plaintiff,	§	
VS.	§	BEXAR COUNTY, TEXAS
	§	
CITY OF SAN ANTONIO, OFFICER J. DIEHL, OFFICER A. ORTIZ AND OFFICER A. ESPINOZA	§	
Defendant.	§	225TH JUDICIAL DISTRICT

AFFIDAVIT OF SERVICE

On this day personally appeared Joan Marie Warren who, being by me duly sworn, deposed and said:

"The following came to hand on Aug 15, 2019, 4:00 pm,

CITATION; PLAINTIFFS ORIGINAL PETITION, REQUESTS FOR DISCLOSURE AND REQUESTS FOR PRODUCTION,

and was executed at 114 W COMMERCE ST, SAN ANTONIO, TX 78205 within the county of BEXAR at 11:01 AM on Tue, Aug 20 2019, by delivering a true copy to the within named

CITY OF SAN ANTONIO BY SERVING THE OFFICE OF MUNICIPAL COURT BY
DELIVERY TO LINA RODRIGUEZ, EXECUTIVE ASSISTANT TO THE CITY CLERK

In person, having first endorsed the date of delivery on same.

I am a person over eighteen (18) years of age and I am competent to make this affidavit. I am a resident of the State of Texas. I am familiar with the Texas Rules of Civil Procedure as they apply to service of Process. I am not a party to this suit nor related or affiliated with any herein, and have no interest in the outcome of the suit. I have never been convicted of a felony or of a misdemeanor involving moral turpitude. I have personal knowledge of the facts stated herein and they are true and correct."

My name is Joan Marie Warren, my date of birth is 5/11/1963, and my address is 2939 Mossrock Ste 280, San Antonio, TX 78230, in the United States of America. I declare under penalty of perjury that the foregoing is true and correct.

Executed in BEXAR County, State of TX, on August 20, 2019.



Joan Marie Warren

Certification Number: PSC #6082

Certification Expiration: 12/31/20

EXHIBIT "A"

PRIVATE PROCESS

Case Number: 2019-CI-14361



2019CI14361 S00001

GASPAR D GUZMAN ET AL

VS.

CITY OF SAN ANTONIO ET AL

(Note: Attached Document May Contain Additional Litigants.)

IN THE DISTRICT COURT
224th JUDICIAL DISTRICT
BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: CITY OF SAN ANTONIO
BY SERVING THE OFFICE OF THE MUNICIPAL COURT

ENT

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and ORIGINAL PETITION REQUESTS FOR DISCLOSURE AND REQUEST FOR PRODUCTION, a default judgment may be taken against you." Said ORIGINAL PETITION REQUESTS FOR DISCLOSURE AND REQUEST FOR PRODUCTION was filed on the 19th day of July, 2019.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 5TH DAY OF AUGUST A.D., 2019.

RICHARD S HOFFMAN
ATTORNEY FOR PLAINTIFF
611 S CONGRESS AVE 210
AUSTIN, TX 78704-8706



Mary Angie Garcia
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205

By: *Laura Castillo*, Deputy

Keely Foland 8/15/19
GASPAR D GUZMAN ET AL
VS
CITY OF SAN ANTONIO ET AL

Officer's Return

Case Number: 2019-CI-14361
Court: 224th Judicial District Court

I received this CITATION on _____ at _____ o'clock ____M. and () executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION REQUESTS FOR DISCLOSURE AND REQUEST FOR PRODUCTION the date of delivery endorsed on it to the defendant, _____ in person on the _____ at _____ o'clock ____M. at: _____ or () not executed because _____.

Fees: _____ Badge/PPS #: _____ Date certification expires: _____

_____, County, Texas

By: _____

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS _____

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, 20____.

Declarant

FILE COPY (DK002)

DOCUMENT SCANNED AS FILED

EXHIBIT "A"